



OFFICE OF THE STATE PUBLIC DEFENDER
Thomas G. Becker, State Public Defender

Chester J. Culver, Governor
Patty Judge, Lieutenant Governor

September 1, 2007

TO: All SPD Personnel

FROM: Tom Becker, State Public Defender

RE: SPD Policy Letter # 20: Interpreter Services (~~2nd~~ **3rd** Revised) – **DRAFT** [changes in ~~strikethrough~~ and **bold italics**]

Locally Available Interpreter Services. SPD field offices receive the services of locally available interpreters in two situations. 1) SPD field offices use locally available interpreters for attorney-client communications and case investigations involving clients and others whose ability to communicate in English requires such services, including hearing-impaired persons who use sign language. Field office chief attorneys decide whether such services are needed. Approval from the State Public Defender or the court is not required. 2) SPD clients and witnesses in cases involving SPD clients receive the services of court-appointed interpreters in court proceedings. Except for sign-language interpreters, SPD field offices are the conduits for compensation claims by court-appointed interpreters, which are paid from public defender appropriations. *See* IOWA CODE §§ 622A.3(2) (interpreter for indigent defendant considered defense witness for fee purposes), 622B.7 (court-appointed sign-language interpreters' fees paid by counties, others paid by agencies); IOWA RULES OF COURT ch. 14. Any claim for compensation for interpreters to be paid out of public defender appropriations is subject to the terms of this Policy Letter.

Policy for Interpreter Compensation. By law, the State Public Defender may only approve interpreter compensation that is "appropriate and reasonable." IOWA CODE § 13B.4(4)(c). This includes reimbursement for expenses. In situation 1) above (attorney-client communications and investigations), field office chief attorneys determine appropriate and reasonable compensation, subject to the terms of this Policy Letter and approval by the State Public Defender. In situation 2) above (court-appointed interpreters), the court sets the **maximum** compensation. IOWA COURT RULES, Rule 14.12. The State Public Defender determines what is appropriate and reasonable up to the maximum approved by the court.

Rates of Compensation —~~Spanish~~ and Other Rules. *The State Public Defender incorporates by reference the Administrative Directive of the State Court Administrator in the Matter of Court Interpreter Compensation (attached).*

~~The State Public Defender will approve rates for Spanish interpreters up to the following:~~

~~Certified interpreters under Iowa Court Rule 14.2: \$50 per hour.~~

~~Non-certified interpreters on State Court Administrator's roster: \$40 per hour.~~

~~Non-certified, non-roster interpreters: \$30 per hour.~~

~~——— Rates of Compensation—Other Languages. SPD field office chief attorneys may agree to rates for sign language and languages other than Spanish that are sufficient to obtain the services of qualified interpreters, but not to exceed \$60 per hour.~~

~~——— Minimum Charges. The State Public Defender will approve a minimum charge of up to one hour. The State Public Defender will not approve duplications of the same minimum charge in other claims.~~

~~——— Travel Time. Travel time ordinarily will not be paid. The State Public Defender may approve travel time on request in advance of the interpreter's travel. If travel time is approved, the minimum charge described above does not apply; the State Public Defender will approve payment only for the interpreter's actual time in addition to travel time.~~

~~——— Expenses. Mileage will be reimbursed at the rate provided in Iowa Administrative Code section 493-12.8(13B,815). Parking expenses will be reimbursed. A mileage or parking expense may be claimed once, and may not be duplicated in other claims. No other expenses will be reimbursed.~~

Exceptions. Special rates and other exceptions to the terms of this Policy Letter may be established by contract between the State Public Defender and an interpreter. Other exceptions may be approved in advance by the State Public Defender on request by a SPD field office chief attorney.

Claims. An interpreter's claim for compensation must include ~~an itemization for each client showing the dates of service, the times service began and ended each day, any minimum charges, and any mileage and parking expenses~~ ***the information and documents as provided by Iowa Administrative Code section 493-13.2(2)(13B, 815).*** Before signing a Payment Order/Payment Voucher recommending approval of a claim, a SPD field office chief attorney will examine the claim to ensure it is accurate and consistent with this Policy Letter ***including the authorities this Policy Letter incorporates by reference.*** If not, the chief attorney will return the claim to the claimant with appropriate instructions for resubmission.

Language Line. The State Public Defender has subscribed to Language Line Services, an over-the-phone language interpretation service and document interpretation service. Subscription identification numbers, literature on available services, and other necessary information have been provided to each SPD field office. Language Line rates are high. Accordingly, supervisory approval is necessary before SPD personnel may use Language Line. This Policy Letter sets out the policy and procedures for that approval.

Policy. Whenever feasible, SPD personnel will use locally available interpretation services instead of Language Line. SPD personnel may use Language Line only in one of the following situations:

- Urgent circumstances when no local interpreter is immediately available and it is not feasible to wait until a local interpreter is available;
- There is no one in the local area who can interpret the language in question and no other satisfactory resource to translate that language besides Language Line can be obtained in a timely manner; or
- Under the particular circumstances, it is more economical to use Language Line than other interpretation resources.

Procedure. SPD personnel wanting to use Language Line will first request permission from the field office chief attorney, describing the justifying circumstances. The chief attorney will apply the above policy and decide whether to approve the request. In the absence of the chief attorney, request permission from the office first assistant or, in the case of a branch office, the branch office lead worker. In the absence of any of these, request permission from the State Public Defender or First Assistant State Public Defender.

SPD personnel will limit each approved use of Language Line to the minimum time necessary to achieve the desired communication. It is not necessary to report uses of Language Line as they occur. The State Public Defender's Office will monitor use of Language Line by way of monthly reports provided by Language Line.

Thomas G. Becker

Thomas G. Becker
State Public Defender

Atch: Administrative Directive of the State Court Administrator in the Matter of Interpreter Compensation